

REMARKS

Claims 1-55 are pending in the present application. The Office has rejected claims 1, 17, 38 and 55 under §112 as allegedly being indefinite. The Office has rejected claims 17-32, 33-37, 48-54, and 55 under § 101 as allegedly not falling within one of the four statutory categories of invention. Claims 1-7, 15-23, 31-48, 51 and 55 have been rejected under § 103 as allegedly being obvious over USP No. 5,101,437 to Plamondon (“Plamondon”) in view of USP Application No. 2006/0050962 A1 to Geiger et al (“Geiger”) in further view of USP No. 6,157,731 to Hu et al. (“Hu”). Claims 8-11, 24-27, and 52-54 have been rejected under § 103 as allegedly being obvious over Plamondon in view of Geiger in further view of Hu in further view of USP No. 4,805,222 to Young et al. (“Young”). Claims 12 and 28 have been rejected under § 103 as allegedly being obvious over Plamondon in view of Geiger in further view of Hu in further view of USP No. 5,680,470 to Moussa et al. (“Moussa”). Claims 13, 14, 29, 30, 49, and 50 have been rejected under § 103 as allegedly being obvious over Plamondon in view of Geiger in further view of Hu in further view of USP No. 5,042,073 to Collot et al. (“Collot”).

By the amendments above and remarks following, the Applicants traverse all rejections and request further examination of the application.

SPECIFICATION

The Applicants wish to thank the Office for accepting the amendment of the title.

REJECTIONS UNDER SECTION 112

The Office has rejected claims 1, 17, 38 and 55 as allegedly being indefinite. The Office alleges that the recitation, “to produce to signature trace is 1” is indefinite. The Applicants respond by noting that the Office has parsed the recitation, removing the clarifying information, namely, that the recitation reads that the trace is normalized so that the total time to produce the signature trace is 1. To clarify the recitation, without disclaimer or prejudice, the claims have been amended in accordance with the specification, namely, “normalization means for normalizing an arc length of the signature trace to 1”.

The Applicants assert that the amendment overcomes the rejections to claims 1, 17, 38 and 55 under § 112. The Applicants request reconsideration and withdraw of the rejections to claims 1, 17, 38 and 55.

REJECTIONS UNDER SECTION 101

The Office has rejected claims 17-32, 33-37, 48-54 and 55 as allegedly not falling within one of the four statutory categories. Because the claimed subject matter clearly meets the transformation test as prescribed by the Federal Circuit in *Re Bilski*, the claims recite patentable subject matter.

In its decision, the Court noted that physical objects or underlying data may be transformed to meet the transformation test of *Bilski*. In the claims rejected under § 101, the signature trace is provided by a person and is a physical object within the meaning of *Bilski* and § 101. Data is derived from the physical object and transformed through the normalization process. Thus, both a physical object and data are transformed, meeting the requirements of *Bilski*.

The Applicants request reconsideration and withdraw of the rejection to claims 17-37 and 48-55.

REJECTIONS UNDER SECTION 103

Independent claim 1

The Office has rejected claim 1, alleging that the combination of Plamondon, Geiger, and Hu discloses all recitations of claim 1. The applicants respectfully disagree. The Office alleges that Geiger discloses a “normalizing means for normalizing the signature trace based upon a time to obtain a signature trace...”, as recited in claim 1. The Applicants have amended claim 1, without disclaimer or prejudice, to recite, “normalization means for normalizing an arc length of the signature trace to 1”. Support for the amendment may be found in the specification on page 2 at the end of the first paragraph under the section heading, “Authentication.” The Applicants allege that Geiger fails to disclose normalizing an arc length, as recited in claim 1.

For at least the amendments presented and the reasons above, the Applicants assert that Plamondon, Geiger and Hu, either alone or in combination with each other, fail to

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disclose all recitations of claim 1. The Applicants request reconsideration and withdraw of the rejection to claim 1 under § 103.

Independent claims 17, 33, 38, 43, 48, and 55

For at least the reasons discussed above with respect to independent claim 1, Plamondon, Geiger and Hu, either alone or in combination with each other, fail to disclose all recitations of claims 17, 33, 38, 43, 48 and 55. The Applicants request reconsideration and withdraw of the rejections to claims 17, 33, 38, 43, 48 and 55 under § 103.

Dependent claims 2-16, 18-32, 33-37, 39-42, 44-47, and 49-54

By reason of their dependence upon an allowable base claim, it follows that claims 2-16, 18-32, 33-37, 39-42, 44-47, and 49-54 are also allowable. The Applicants request reconsideration and withdraw of the rejections to claims 2-16, 18-32, 33-37, 39-42, 44-47, and 49-54 under § 103.

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CONCLUSION

By the remarks and the amendments provided herein, the Applicant respectfully submits that the Office Action mailed October 17, 2008 has been traversed and that the application is in condition for allowance. If the Examiner has any concerns regarding the response provided herein, or wishes to discuss the response further, the Examiner is invited to contact the undersigned attorney.

Respectfully submitted,

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/Robert A. Madayag/
Robert A. Madayag
Registration No. 57,355

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439